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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/5/08

JOSEPH FALZONE, on behalf of himself
and all others similarly situated,

Plaintiff,

07-CV-11146
(LAP)

v.

GENESCO INC. and HAL N. PENNINGTON,

Defendants.

STIPULATION OF DISCONTINUANCE WITHOUT PREJUDICE

WHEREAS:

1. On December 11, 2007, Plaintiff Joseph Falzone commenced this securities fraud class action against defendants Genesco Inc. and Hal N. Pennington alleging violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 on behalf of a class of purchases of Genesco, Inc. common stock during the Class Period May 31, 2007 through November 16, 2007.

2. Currently pending in the Middle District of Tennessee are two securities fraud class actions: *Rick Roeglin v. Genesco, Inc., et al.*, Case No. 3:07-cv-01183; and *Sanjay Koshti v. Genesco, Inc., et al.*, Case No. 3:07-cv-01248. The first Tennessee action was commenced on December 5, 2007, prior to the filing of the *Falzone* litigation in this District. The Tennessee actions and this action are each brought on behalf of purchasers of Genesco securities against the same defendants and involve substantially similar factual allegations. The Tennessee actions were consolidated by Order of the District Court for the Middle District of Tennessee, dated

January 22, 2008. Order annexed hereto as Exhibit A.

3. Counsel for plaintiff Falzone has consulted with counsel for the plaintiffs in the Tennessee action and counsel for defendants in both actions. We have determined jointly that it is in the best interest of the parties, and in the interest of the efficient use of judicial resources, that this New York action be discontinued without prejudice and that the litigation go forward in Tennessee.

WHEREFORE,

IT IS HEREBY STIPULATED AND AGREED, subject to Order of this Court, that this action be discontinued without prejudice and without attorneys' fees or costs to either party.

Dated: January 31, 2008

WOLF POPPER LLP

By: 

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*Attorneys for Defendant Genesco Inc.
and Hal N. Pennington*

IT IS SO ORDERED, this ____ day of
_____, 2008

UNITED STATES DISTRICT JUDGE 

The Clerk of the Court shall
mark this action closed and all
pending motions denied as moot.

SO ORDERED:


LORETTA A. PRESKA, U.S.D.J.

February 5, 2008

Doc. 159733

EXHIBIT A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RICK ROEGLIN, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

GENESCO INC., et al.,

Defendants.

Civil Action No. 3:07-cv-01183

CLASS ACTION

SANJAY KOSHTI, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

GENESCO INC., et al.,

Defendants.

Civil Action No. 3:07-cv-01248

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER CONSOLIDATING RELATED ACTIONS

WHEREAS, there are currently two related securities lawsuits instituted on behalf of all purchasers of Genesco Inc. ("Genesco" or the "Company") common stock between April 20, 2007 and November 26, 2007, alleging violations of the anti-fraud provisions of the federal securities laws;

WHEREAS, consolidation of these related actions will promote judicial economy, avoid duplicative law and motion and discovery proceedings, and streamline adjudication of these matters;

WHEREAS, the parties in the case of *Koshti v. Genesco Inc.*, No. 3:07-cv-01248 have filed a Joint Motion to Transfer requesting that the case be transferred to the Honorable William J. Haynes, Jr.;

WHEREAS, defendants, through their counsel of record indicated below, have agreed to accept service of the summons and complaint without waiving any challenges as to jurisdiction or venue; and

WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial efficiency, and will not cause prejudice to either party.

IT IS HEREBY STIPULATED by the parties, through their counsel of record, that:

1. The following actions are hereby consolidated for all purposes, including pretrial proceedings, trial and appeal, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure:

<u>Abbreviated Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
Roeglin v. Genesco Inc. et al.	3:07-cv-01183	12/05/07
Koshti v. Genesco Inc., et al.	3:07-cv-01248	12/13/07

2. The caption of these consolidated actions shall be "In re Genesco Inc. Securities Litigation" and the files of this action shall be maintained in one file under Master File No. 3:07-cv-01183. Any other actions now pending or hereafter filed in this District which arise out of the same facts and claims as alleged in these related actions shall be consolidated for all purposes, if and when they are brought before this Court and the Court accepts the transfer and approves consolidation;

3. Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE GENESCO INC. SECURITIES)	Master File No. 3:07-cv-01183
LITIGATION)	CLASS ACTION
This Document Relates To:)	
)	
)	
)	
)	

4. When a pleading is intended to apply to all actions governed by this Order, the words "ALL ACTIONS" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to apply only to some, but not all of the consolidated actions, this Court's docket number for the individual action to which the document applies along with the last name of the first-filed plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption described above;

5. Within 20 days of the appointment of a lead plaintiff and lead counsel in the consolidated action, lead plaintiff shall designate one of the complaints operative or establish a schedule for filing a consolidated complaint which shall be the operative complaint and which shall supersede all previously filed complaints. Defendants need not respond to any preceding complaints. Lead plaintiff and defendants shall also negotiate a briefing schedule on defendants' anticipated motion to dismiss the operative complaint;

6. The time requirement for moving for class certification under Local Rule 23.01(b) shall be extended and lead plaintiff shall move for class certification within 60 days of an order denying a motion to dismiss; and

7. The parties shall effect service of papers filed with the Court on opposing counsel through the Court's CM/ECF system or by electronic mail, U.S. Mail, hand delivery, or facsimile, unless otherwise agreed. After the Court appoints lead plaintiff's counsel, defendants may serve all plaintiffs' counsel who are not appointed as lead counsel by regular mail, but must continue to serve lead plaintiff's counsel through the Court's CM/ECF system, electronic mail, overnight mail service, hand delivery or facsimile.

IT IS SO STIPULATED. *and DND SMOO. I will sign*

DATED: January 16, 2008

BARRETT, JOHNSTON & PARSLEY
GEORGE E. BARRETT, #2672
DOUGLAS S. JOHNSTON, JR. #5782
TIMOTHY L. MILES, #21605
GEORGE E. BARRETT

1-17-08

/s Timothy L. Miles

TIMOTHY L. MILES

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Rebecca Solomon,	:	07 Civ. 11079 (RJH)
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
The Mount Sinai Hospital, The Mount Sinai	:	ECF CASE
Medical Center, Inc., Mount Sinai NYU Health, and	:	
The Mount Sinai Medical Center Employer	:	
Contribution 403(b) Plan,	:	
	:	
Defendants.	:	
	:	

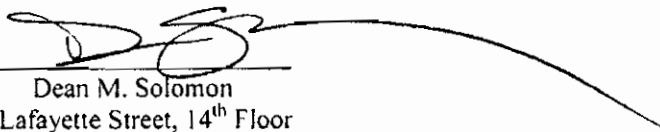
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STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties to this action, through their counsel of record, for the above-captioned action, that this action be, and it hereby is, dismissed WITH PREJUDICE and without attorney's fees or costs except as provided for in the General Release and Settlement Agreement.

Dated: January 30, 2008
New York, NY

FRIEDMAN LAW GROUP LLP

By: 
Dean M. Solomon
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212.680.5150
Attorneys for Plaintiff

Dated: January 31, 2008
New York, NY

PROSKAUER ROSE LLP

By: 

Russell L. Hirschhorn

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212.969.3286
Attorneys for Defendants

So Ordered:

United States District Court Judge